

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JAIME URTUBIA, Individually
and on behalf of all other persons
similarly situated,

Plaintiff,

-against-

BA VICTORY CORP. and
ISMAEL ALBA,

Defendants.
----- X

Case No. 11 cv 2901 (RA)(RLE)

John P. Gleason declares pursuant to 28 U.S.C. § 1746(1) as follows:

1. I am a member of Gleason & Koatz, LLP attorneys for defendants BA Victory Corp. ("BA") and Ismael Alba ("Alba") and together with BA collectively, "Defendants").

2. I submit this declaration based on my personal knowledge of the facts set forth herein. I submit this declaration in opposition to plaintiffs' motion seeking summary judgment (the "Motion").

3. I attach hereto as exhibits:

Exhibit A: Declaration of Karina De Marco dated May 31, 2013,

Exhibit B: ADP Record of Employment Dates, and

Exhibit C: Employment Documents Regarding Rolando Liriano.

CONCLUSION

20. For each of the reasons expressed above, and as argued in the accompanying memorandum of law, the Motion should be denied.

21. I declare under the penalties of perjury that the foregoing is true and accurate.

Dated: New York, New York
May 31, 2013

/s/ John P. Gleason
John P. Gleason